

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL NO. 5:12-cv-96-RLV
(5:04-cr-37-RLV-DCK-1)

JOSEPH RICHARD GREENE,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

This matter is before the Court on Petitioner's Motion for Reconsideration, (Doc. No. 12), of the Court's prior Order dismissing Petitioner's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence as untimely by around seven years. Petitioner contends in his motion for reconsideration that his motion to vacate is timely pursuant to 28 U.S.C. § 2255(f)(3) because it was filed within one year of United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). As the Court stated in its Order denying Petitioner's motion to vacate, § 2255(f)(3) simply does not apply to render the petition timely. Thus, Petitioner's Motion for Reconsideration is denied.

IT IS HEREBY ORDERED that Petitioner's Motion for Reconsideration, (Doc. No. 12), is **DENIED**.

Signed: April 14, 2014



Richard L. Voorhees
United States District Judge



